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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,888	06/07/2005	Joannes Gregorius Bremer	NL 021261	8401
24737	7590	06/22/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			SHAH, SAMIR M	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2856	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/537,888	Applicant(s) BREMER ET AL.	
	Examiner Samir M. Shah	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 9, filed 6/05/2006, with respect to the objection of the Specification, Drawings and Claims 4 and 6 have been fully considered and are persuasive. The objection of the Specification, Drawings and Claims 4 and 6 has been withdrawn.

2. Applicant's arguments, see pages 10-12, filed 6/05/2006, with respect to the rejection(s) of claim(s) 1-8 under either 35 U.S.C. 102(b) or 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made as follows:

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The written disclosure of the specification does not explain how the measurement unit "is operable to output the sensor signals in turn on the output channel" or how "the sensor signals are monitored in turn via a single channel". The

Art Unit: 2856

Examiner raised questions such as: Are the sensor signals multiplexed (for example, by using time division multiplexing) to be able to be outputted, in turn, through a single output channel? Is any additional specific instrument/structure to be used for predetermining the amount of time for which a particular sensor's signal is outputted/monitored? How does the measurement unit decide which sensor's signal is to be stop being outputted and which sensor's signal is to be start being outputted at any given time? Moreover, in order for a person of ordinary skill in the art at the time the instant invention was made, to make and use the instant invention, undue experimentation would be needed to figure out how to output the sensor signals from the plurality of motion sensors through a single output channel in turn, because no particular method or product has been described, in the Specification, to be used for outputting the sensor signals in turn through a single output channel.

5. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for only portion of the independent claim 6, does not reasonably provide enablement for "the sensor signals are produced discontinuously in time". The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

There is not description in the specification as to how the sensor signals are produced discontinuously in time. Therefore, a person of ordinary skill in the art would require undue experimentation at the time the instant invention was made to figure out a method of producing the sensor signals discontinuously in time.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Klapman (US Patent 5,723,786 henceforth "Klapman").

(a) As to claims 1 and 2, Klapman discloses an activity monitor comprising a measurement unit/impact measuring device (14) (three accelerometers 18, 20, 22; processor 24 and RF transmitter 26) including a plurality of motion sensors/accelerometers (18, 20, 22), operable to produce respective sensor signals indicative of motion experienced thereby (figure 3; column 2, lines 32-45); and
a processor (38)/display (28) with processor (38) for receiving the sensor signals from the measurement unit/impact measuring device (14) and operable to process the signals in accordance with a predetermined method (for example, to calculate an average or the highest values over a time period, or to format the signals for a predetermined display type, or to process the signals so as to display the information from the sensors in a vector format, etc.) (figures 3, 5; column 2, lines 58-64; column 3, lines 7-15, 39-61),

characterized in that the measurement unit/impact measuring device (14) has a single output channel and is operable to output the sensor signals (from three accelerometers 18, 20, 22) in turn on the output channel (figures 3, 5; column 2, lines 58-64; column 3, lines 7-15, 39-61).

Art Unit: 2856

(b) As to claim 3, Klapman teaches the motion sensors/accelerometers (18, 20, 22) being arranged to be mutually orthogonal (column 2, lines 32-37).

(c) As to claim 4, Klapman teaches the processor (38)/display (28) with processor (38) being operable to sample the output channel of the measurement unit/impact measuring device (14) discontinuously in time (note the measurement unit/impact measuring device (14)/processor (24) only transmits data which has changed since the last reading and hence the processor (38) only updates/samples the output channel when the values have changed since the last reading and data is transmitted through the output channel) (figures 3, 5; column 3, lines 55-61).

(d) As to claim 5, Klapman discloses that the measurement unit/impact measuring device (14)/processor (24) is operable to operate the output channel discontinuously in time during output of each motion sensor/accelerometer output signal (note the processor (24) only transmits data which has changed since the last reading and hence if no data has changed since the last reading, the processor (24) will not transmit any data and hence the output channel will only be operated discontinuously in time) (column 3, lines 55-61).

(e) As to claim 6, Klapman teaches a method of monitoring activity using a plurality of motion sensors/accelerometers (18, 20, 22) which are operable to produce respective sensor signals indicative of motion experienced thereby (figure 3; column 2, lines 32-45), the method comprising receiving the sensor signals and processing the signals in accordance with a predetermined method (for example, to calculate an average or the highest values over a time period, or to format the signals for a predetermined display

Art Unit: 2856

type, or to process the signals so as to display the information from the sensors in a vector format, etc.) (figures 3, 5; column 2, lines 58-64; column 3, lines 7-15, 39-61), characterized in that the sensor signals are monitored in turn via a single channel (figures 3, 5; column 2, lines 58-64; column 3, lines 7-15, 39-61).

(f) As to claim 7, Klapman teaches the processor (38)/display (28) with processor (38) being operable to monitor the output channel of the measurement unit/impact measuring device (14) discontinuously in time (note the measurement unit/impact measuring device (14)/processor (24) only transmits data which has changed since the last reading and hence the processor (38) only updates/samples the output channel when the values have changed since the last reading and data is transmitted through the output channel) (figures 3, 5; column 3, lines 55-61).

Conclusion

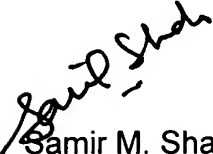
8. The prior art made of record and not relied upon, cited in the attached 892 form, is considered pertinent to applicant's disclosure.

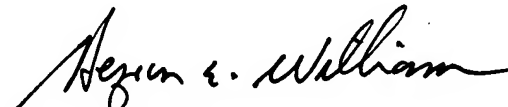
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 9:00 am to 5:30 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2856

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Samir M. Shah
Art Unit 2856
6/13/2006


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